



Congressman Pedro R. Pierluisi
Remarks as Prepared For Delivery
The Declaration of Independence, the U.S. Constitution, and Puerto Rico's Political Status
Interamerican University of Puerto Rico, Guayama Campus
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Good morning. I am pleased to be here at Inter Guayama to speak with young men and women who care deeply about Puerto Rico and its future. I know you are busy with classes and extracurricular activities, so I appreciate that you have taken the time to be here. I will deliver some short remarks about a subject that I hope you will find interesting, which is the relationship between the American Declaration of Independence, the U.S. Constitution, and Puerto Rico's political status. Following my remarks, I am happy to answer any questions you may have about this or any other topic.

Let me start with what I promise will be a very brief historical overview.

In 1775, armed conflict between American colonists and British soldiers began. These were the first battles in what would become known as the "American Revolution." When the war started, relatively few American colonists sought complete independence from Great Britain. Most preferred to remain British subjects, but wanted to have more political rights. However, this sentiment changed rapidly as the war unfolded. On July 4, 1776, the Continental Congress—a governing body that consisted of delegates from the 13 American colonies—formally adopted

the Declaration of Independence. This document, which was primarily drafted by Thomas Jefferson, is most famous for this passage:

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

The Revolutionary War ended in the early 1780s. In 1787, national leaders meeting in Philadelphia drafted a federal Constitution to replace the Articles of Confederation, which had been approved during the Revolutionary War. These leaders—who are often referred to as the Founding Fathers—included Benjamin Franklin, Alexander Hamilton, and James Madison. The Constitution, in contrast to the Articles of Confederation, called for a strong central government, consisting of a legislative, executive and judicial branch. The Constitution established a system of checks and balances, so that no branch could dominate the other branches. At the same time, the Constitution reserved a great deal of power for the individual states—both the states that were already part of the Union and those that would join the Union in the future.

There are two provisions in the U.S. Constitution that are particularly relevant to the issue of Puerto Rico's political status. One provision gives Congress the power to admit new states into the Union. As a matter of fact, a bill to convert a territory into a state is treated like a regular bill. It must simply be introduced by a Member of Congress, approved by both the House and

the Senate, and then signed into law by the president. It does not require an amendment to the U.S. Constitution or ratification by the existing states.

Another provision in the Constitution governs the treatment of territories, and is often called the Territory Clause. This provision gives Congress the power “to dispose of and make all needful rules and regulations respecting the territory . . . belonging to the United States.”

Now let me fast forward about 100 years in history, from the late 18th century to the late 19th century. All of you know that Puerto Rico was acquired by the United States from Spain in 1898, following the Spanish-American War, and that Puerto Rico therefore became a U.S. territory. In 1917, the U.S. Congress enacted a law making all individuals born in Puerto Rico American citizens. And in the early 1950s, Congress authorized Puerto Rico to draft a local constitution, which Puerto Rico did. Nevertheless, Puerto Rico’s status as a territory did *not* change as a result of these Acts of Congress. The fact that we now call Puerto Rico an “Estado Libre Asociado” in Spanish and a “Commonwealth” in English is of no substantive consequence. Our political status is the same today as it was in 1898.

Now, as you are aware, I oppose Puerto Rico’s current political status and strongly support statehood for the island. I am certain that not everyone in this room shares my vision for Puerto Rico’s future. Some of you might prefer for Puerto Rico to become a sovereign nation. Perhaps others of you are not comfortable with either statehood or nationhood and therefore prefer for Puerto Rico to remain a territory. I recognize and respect that people have different views on this subject. But let me be clear: these are the *only* choices available to Puerto Rico: we can

become a state, we can become a sovereign nation, or we can remain a territory. There are no other options and those who insist there are other options are absolutely wrong.

I am often asked why I oppose territory status and support statehood—and there are many reasons why I hold this point of view. During the question-and-answer period, I happy to explain these reasons in more detail if you would like.

But, for now, I would like to focus on how the Declaration of Independence and the U.S. Constitution have helped shape my opposition to territory status and my support for statehood.

Let's start with Jefferson's eloquent words in the Declaration of Independence that I quoted earlier. Jefferson wrote that "all men are created equal"—and yet we know that, because Puerto Rico is a territory, American citizens that reside in Puerto Rico are *not* treated equally compared to their fellow American citizens that reside in the 50 states. Indeed, the U.S. Supreme Court has explicitly held that Congress, in exercising its broad powers under the Territory Clause of the Constitution, can enact federal laws that treat Puerto Rico and the other territories worse than the states. In other words, the Constitution gives Congress a license to discriminate against the territories, and Congress often uses that license, treating the territories unequally under a range of important federal programs. These programs include Medicaid, which helps low-income individuals and families obtain health care; Medicare, which helps senior citizens obtain health care; the *Affordable Care Act*, often called Obamacare, which is designed to help every American citizen purchase health insurance; the Supplemental Security Income program, or SSI, which provides financial assistance to blind, disabled and elderly individuals with very low

incomes; the federal nutrition assistance program, which helps vulnerable families afford food; and major programs like the Earned Income Tax Credit and the Child Tax Credit, which seek to reduce poverty and increase employment.

Puerto Rico's unequal treatment under these and other federal programs has harmed our quality of life; caused residents of Puerto Rico to move to the states in shockingly high numbers; and led the Puerto Rico government to borrow excessive amounts of money in order to compensate for the lack of federal support, which has led to our current economic and fiscal crisis.

In addition to highlighting the principle of equality, the Declaration of Independence also emphasizes the principle that a just government derives its powers "from the consent of the governed." What does this phrase mean? At the very least, it means that the people must have a voice in choosing the leaders who make the laws that govern their daily lives. However, the U.S. Constitution expressly says that only residents of the "states" can vote for the U.S. president and Members of Congress. Because Puerto Rico is a territory, U.S. citizens that reside on the island cannot participate in electing the leaders that make our national laws. If we move to Florida, New York or Texas—we have full democratic rights. But if we remain in Puerto Rico, we do not.

Moreover, to the extent that there was still any question as to whether Puerto Rico is being governed without its consent, that question was answered in the November 2012 plebiscite, when a clear majority of voters in Puerto Rico—54 percent—said they do not want Puerto Rico to be a

territory any longer, and more voters expressed a preference for Puerto Rico to become a state than to remain a territory or become a sovereign nation.

So, to summarize: the American Declaration of Independence—one of the most important and inspiring documents in history—underscores the paramount importance of equality and democracy. However, the reality is that the U.S. Constitution—another remarkable document—has been interpreted by the federal courts to allow these very principles to be denied to residents of Puerto Rico and the other territories. If you, like me, refuse to accept being treated like this, you have two choices: you can support statehood or you can support nationhood. If you, like me, are not satisfied with being a second-class citizen, then you should—indeed, you must—join the movement to end territory status.

A powerful U.S. Senator, Ron Wyden of Oregon, made precisely this point in a Senate hearing held last year about the 2012 plebiscite. I want end my remarks by quoting what he said:

There is no disputing that a majority of the voters in Puerto Rico . . . have clearly expressed their opposition to continuing the current territorial status. . . . For Puerto Rico to meet its economic and social challenges and to achieve its full potential, this debate over status needs to be settled. Puerto Rico must either exercise full self-government as a sovereign nation, or achieve equality among the States of the Union. The current relationship undermines the United States' moral standing in the world. For a nation founded on the principles of democracy and the consent of the governed, how much longer can America allow a condition to

persist in which nearly four million U.S. citizens do not have a vote in the government that makes the national laws which affect their daily lives? That is the question.”

Senator Wyden is right. That *is* the question. Now how will you respond?

Thank you.